

EXHIBIT B



Daniel R. Reed
Assistant General Counsel, Litigation
Direct Dial: 510.428.8520
E-Mail Address: Daniel_Reed@affymetrix.com

September 18, 2006

VIA EMAIL

Marcus Sernel
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, Illinois 60601

Re: *Affymetrix, Inc. v. Illumina, Inc.*
Civil Action No. 04-901 JJF

Dear Marc:

I write regarding a document issue that came up during the deposition of Phil McGarrigle on Friday, September 15.

As I stated during the deposition, document AVI_068483-85 (Exhibit 553) was inadvertently produced. That document is clearly protected by attorney-client privilege and work product. Therefore, we request that you immediately cease review of the document and return or destroy all copies of it (and remove any reference to the document or its contents you may have in any other material).

Please confirm once you have promptly complied with this request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. R. Reed", with a long horizontal stroke extending to the right.

Daniel R. Reed
Assistant General Counsel, Litigation

EXHIBIT C

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

200 East Randolph Drive
Chicago, Illinois 60601

Marcus E. Sernel
(312) 861-2203
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Facsimile:
312 861-2200

September 20, 2006

VIA ELECTRONIC MAIL

Daniel R. Reed
Assistant General Counsel, Litigation
Legal Department
Affymetrix, Inc.
6550 Vallejo Street, Suite 100
Emeryville, California 94608

Re: Affymetrix, Inc. v. Illumina, Inc., Civil Action No. 04-901 JJF

Dear Dan:

I write regarding your letter of September 18, 2006.

As an initial matter, we disagree that Exhibit 553 (AVI_068483-85) is protected by the attorney-client or work product privilege. Nevertheless, I confirm that we will destroy all copies of the document as you request.

We will not, however, acquiesce in your improper assertion of privilege. Pursuant to paragraph 15.2 of the Protective Order, we expect that you will bring this matter to the Court's attention by September 30, 2006. If you fail to do so, we expect that you will reproduce this document in its entirety, as you will have waived all claims of privilege in this document.

Very truly yours,

Handwritten signature of Marcus E. Sernel in black ink, with the initials 'mk' at the end.

Marcus E. Sernel

EXHIBIT D



Daniel R. Reed
Assistant General Counsel, Litigation
Direct Dial: 510.428.8520
E-Mail Address: Daniel_Reed@affymetrix.com

September 22, 2006

VIA EMAIL

Marcus Sernel
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, Illinois 60601

Re: *Affymetrix, Inc. v. Illumina, Inc.*
Civil Action No. 04-901 JJF

Dear Marc:

I received your letter of September 20 regarding AVI_068483-85. As I stated in my letter of September 18, that document was inadvertently produced and clearly privileged. I enclose a supplemental privilege log regarding that document.

I do not understand your basis for claiming that the document is not privileged. It is an email chain from an attorney requesting input regarding patent prosecution matters. Please explain in detail why you believe the document is not privileged. We would prefer not to have to raise this issue with the Court unnecessarily.

Sincerely,

A handwritten signature in black ink, appearing to read "D. R. Reed", with a long, sweeping horizontal line extending to the right.

Daniel R. Reed
Assistant General Counsel, Litigation

EXHIBIT E

KIRKLAND & ELLIS LLP

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September 27, 2006

VIA ELECTRONIC MAIL

Daniel R. Reed
Assistant General Counsel, Litigation
Legal Department
Affymetrix, Inc.
6550 Vallejo Street, Suite 100
Emeryville, California 94608

Re: Affymetrix, Inc. v. Illumina, Inc., Civil Action No. 04-901 JJF

Dear Dan:

I write in response to your letter of September 22 regarding AVI_068483-85. I disagree with your position that this document "was inadvertently produced and clearly privileged." There is nothing in the document that provides or seeks legal advice such that the attorney-client privilege would protect the document from discovery. Based on my recollection, the document merely reflects the improper tactics that Affymetrix has used to attempt to obtain patents that cover Illumina's products. Unless you are willing to produce the document to us, we expect that you will raise this issue with the Court by September 30 or otherwise waive your privilege objections as contemplated by Section 15.2 of the protective order.

Very truly yours,



Marcus E. Sernel